

NOT TO BE PUBLISHED

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

THE PEOPLE,

Plaintiff and Respondent,

v.

RONALD BEATTY,

Defendant and Appellant.

C063970

(Super. Ct. No.
09F05165)

During a probation search of the residence of defendant Ronald Beatty, a loaded handgun was found in the master bedroom, along with a utility bill for the residence in defendant's name, an airline itinerary badge in his name, and photographs of his girlfriend. A check of the firearm's registration showed that the gun had been stolen in 2006.

Defendant entered a negotiated plea of no contest to being a convicted felon in possession of a firearm (Pen. Code, § 12021, subd. (a)(1); further section references are to this code) and

admitted having a prior serious felony conviction (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d)). The trial court sentenced defendant to a stipulated prison term of 32 months, imposed various fines and fees, and awarded 117 days of presentence credit (78 days of actual custody credit and 39 days of conduct credit).

Defendant appeals. The trial court denied his request for a certificate of probable cause.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and asks us to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant.

We deem defendant to have raised the claim that amendments to section 4019 are retroactive and entitle him to additional credits. The contention fails because his prior serious felony conviction makes him ineligible for the additional credits authorized by the amendments to section 4019.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

SCOTLAND, Acting P. J.*

We concur:

HULL, J.

ROBIE, J.

* Retired Presiding Justice of the Court of Appeal, Third Appellate District, assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.